

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,)	CRIMINAL NO. 16-10343-ADB
)	
v.)	
)	
(1) MICHAEL L. BABICH)	
(2) ALEC BURLAKOFF)	
(3) MICHAEL J. GURRY)	
(4) RICHARD M. SIMON)	
(5) SUNRISE LEE)	
(6) JOSEPH A. ROWAN)	
Defendants.)	
)	

SECOND JOINT MEMORANDUM PURSUANT TO L.R. 116.5(b)

The parties, through their respective counsel as set forth below, submit this Second Joint Memorandum pursuant to L.R. 116.5(b) regarding the interim status conference.

(1) Status of Automatic Discovery and Pending Discovery Requests

The United States produced automatic discovery to Defendants on February 2, 2017. The United States has since made supplemental disclosures, on March 6, April 14, June 9, and June 29, 2017. The government anticipates that it will make a production on July 26, 2017.

The United States received Defendants' discovery request on May 5, 2017, to which it responded on June 5, 2017.

(2) Timing of Additional Discovery

The United States is aware of its continuing duty to disclose newly discovered additional evidence or material that is subject to discovery or inspection under Local Rules 116.1 and 116.2(b)(1) and Rule 16 of the Federal Rules of Criminal Procedure.

(3) Timing of Additional Discovery Requests

Defendants will make any additional discovery requests by on or about September 15, 2017.

The government will respond to any such requests within 14 days.

(4) Protective Orders

The Court previously entered two protective orders (Docket Nos. 81 and 83).

(5) Pretrial Motions under Fed. R. Crim. P. 12(b)

The parties request that Defendants be permitted to file discovery motions under Fed. R. Crim. P. 12(b)(3)(E) on or about October 27, 2017.

The parties request that a deadline be set for the filing of other pretrial motions under Fed. R. Crim. P. 12(b) after the resolution of any discovery motions.

(6) Timing of Expert Witness Disclosures

The parties are in agreement that a schedule for the production of expert witness disclosures will be determined by the next status conference.

(7) Defenses of Insanity, Public Authority or Alibi

The parties would like to set dates after discovery is complete.

(8) Periods of Excludable Delay

To date, all time to July 27, 2017, has been excluded. The parties agree that the time from the Interim Status Conference until the next scheduled status conference should be excluded under the Speedy Trial Act.

(9) The Status of Any Plea Discussions and Likelihood and Estimated Length of Trial

At this point, the parties anticipate that all Defendants will go to trial. The United States anticipates needing approximately 10 weeks to present its case at trial.

The Defendants collectively anticipate needing approximately five weeks to present any affirmative case that any of the Defendants may present at trial.

(10) The Timing of the Final Status Conference or any Further Interim Status Conference

The parties request that an additional interim Status Conference be set in or about the week of September 29, 2017.

(11) Proposed Trial Date and Schedule

The parties cannot agree on a trial date. The Government requests to be heard on this matter.

The Government requests that the Court set a trial date in March 2018.

Counsel for all Defendants have conferred and determined that, due to other previously scheduled trial dates, all of said counsel are not available for trial in this matter until in or after November 2018.

The parties agree that the trial days should be between 9:00 am-1:00 pm.

Respectfully submitted,

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By:

/s/ K. Nathaniel Yeager

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Certificate of Service

I hereby certify that the foregoing document filed through the ECF system will be sent electronically to counsel for the defendants.

By: /s/ K. Nathaniel Yeager
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